

FOURTH DAY.

Hall of the House of Representatives,
Austin, Texas,
Wednesday, July 27, 1910.

The House met at 9 o'clock a. m., pursuant to adjournment.

Speaker Marshall in the chair.

The roll was called and the following members were present:

Adams.	Kennedy.
Anderson.	Lawson.
Aston.	Leach.
Baker of Hood.	Lee.
Baker of Panola.	Lively.
Ballengee.	Looney.
Barrett.	Luce.
Bell.	Maddox.
Bierschwale.	Mason.
Bogard.	Matthews.
Bostic.	Maxwell.
Boswell.	McDonald.
Bowles.	McGown.
Branch.	McKinney.
Brooks.	McLain.
Brookshire.	Moller.
Brown.	Morris.
Brownlee.	Munson.
Buchanan.	Nelson of Hopkins.
Byrne.	Nelson of Kaufman.
Cable.	Nickels.
Canales.	O'Bryan.
Cathey.	O'Bryant.
Caves.	Odom.
Cox.	Pearson.
Craven.	Perkins.
Crawford.	Pharr.
Crisp.	Rabb.
Crockett of	Ray.
Mitchell.	Rayburn.
Cureton.	Reedy.
Currey.	Reid.
Dalby.	Roach.
Dotson.	Roberson of Erath.
Driggers.	Robertson of Bell.
Elliott.	Robertson of
Fant.	Travis.
Fitzhugh.	Schluter.
Flournoy.	Schofield.
Fuller.	Self.
German.	Smith.
Gilmore.	Spradley.
Goodman.	Stamps.
Graham.	Standifer.
Hamilton	Stead.
• of Childress.	Stephenson.
Hamilton	Stepter.
of McCulloch.	Stratton.
Haxthausen.	Strickland.
Highsmith.	Terrell of Bexar.
Hill.	Tillotson.
Humphrey.	Turner.
Jennings.	Turney.
Johnson.	Vaughan.
Keeble.	Von Rosenberg.

Wahrmund.
Walter.

Werner.

Absent.

Bartlett.
Briscoe.
Chaney.
Davis.
Harman.

McCallum.
Tarver.
Terrell of Cherokee.
Wortham.

Absent—Excused.

Crockett
of Washington
Jackson.

Porter.
Ralston.
Wilson.

A quorum was announced present.
Prayer by Rev. W. J. Joyce, Chaplain.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Terrell of Cherokee for today and the balance of the week, on motion of Mr. Luce.

Mr. Wortham for today and the balance of the week, on motion of Mr. Elliott.

Mr. Pearson for yesterday and last week, on motion of Mr. Schluter.

On account of sickness:

Mr. Crockett of Mitchell for yesterday and indefinitely, on motion of Mr. Leach.

ADDITIONS TO STANDING COMMITTEES.

Mr. Cureton was added to the Committee on Common Carriers, on motion of Mr. Robertson of Bell, Chairman.

Mr. Stepter was added to the Committee on Insurance, on motion of Mr. Vaughan, Chairman.

Mr. Looney was added to the Committee on Liquor and Liquor Traffic, on motion of Mr. Canales, Chairman.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Cureton, Mr. Baker of Hood, Mr. Caves, Mr. Smith, Mr. Crawford, Mr. Gilmore, Mr. Brown, Mr. Vaughan, Mr. Moller, Mr. Robertson of Bell, Mr. Hamilton of Childress, Mr. Hamilton of McCulloch and Mr. Jennings:

House bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies or writing contracts of fire insurance on property in this State, shall transact business in this State; to create a State

Insurance Board, to provide for their appointment and to fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary, to fix reasonable maximum rates of premiums on fire insurance on property in this State; to authorize said board to employ all necessary clerical force and providing an appropriation for the payment of salaries of said board and for all necessary expenses; to provide the basis of maximum rates for fire insurance on property in this State, until said Board shall fix maximum rates herein prescribed; to authorize the revocation of the licenses or certificates of insurance companies to do business in this State for violations of the orders of said board or the provisions of this act; to require all persons having knowledge to give evidence as to the violations of this act or of the orders of said board; to require all insurance companies issuing policies or writing contracts of fire insurance to furnish reports to the members or any authorized agent of said board and to give access to all their books, documents and correspondence when requested by said board; also providing that the State Insurance Board shall make and maintain a record of all fire losses and such data and information in reference thereto as may be of assistance in the making of insurance rates and reductions of same; and reducing the fire losses of the State; providing that one member of the Insurance Board shall be elected Secretary of the board and one member elected Fire Marshal of the State Insurance Board, and defining and prescribing the duties of those respective positions; and providing that no action taken by the Fire Marshal shall affect the rights of the policyholders; providing for the establishment of minimum rates of fire insurance by the State Insurance Board, under certain conditions specified in the act; providing for the promulgation and establishment of uniform policies of insurance applicable to the various risks of this State, by the State Insurance Board and their adoption and use by fire insurance companies; prohibiting any person from receiving or accepting from any insurance company or its agents or any other person rebates or premiums or any special favor or advantage or consideration or inducement not specified in the insurance policy, and providing the penalty for the violation; to provide for the time when this act shall go into effect and

for the repeal of Chapter 18 of the General Laws passed by the First Called Session of the Thirty-first Legislature, and of all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Terrell of Bexar:

House bill No. 8, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in the State of Texas, and providing for the regulation and control of rates and premiums of fire insurance companies, and forms of policies, and to prevent discriminations therein, and to create a Fire Insurance Rating Board, to appropriate money therefor, and to provide penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature, and declaring an emergency."

Referred to Committee on Insurance.

APPOINTMENT OF ADDITIONAL PAGE.

The Speaker announced the following appointment:

Page to deliver papers to the Confederate Home—Ed. Graham, of Hill county.

OATH OF OFFICE ADMINISTERED TO HON. S. WILBURN.

Mr. German moved that the Chair be authorized to appoint a committee of two members of the House to escort Hon. S. Wilburn of Burleson county, who had been elected to fill the vacancy caused by the resignation of Hon. S. M. Meeks of Burleson county, late Representative from the Forty-eighth District, composed of Burleson county, to the Speaker's stand that the oath of office may be administered to him.

The motion prevailed.

In accordance with the above action; the Speaker announced the appointment of the following committee: Mr. German and Mr. Hamilton of Childress.

The committee then escorted Hon. S. Wilburn to the Speaker's stand, where the oath of office was administered by Bob Barker, Chief Clerk.

PROVIDING FOR INVESTIGATING COMMITTEE.

(Pending Business.)

The Speaker laid before the House, as pending business, House Concurrent Resolution No. 1, providing for the appointment of a committee to investigate charges of corruption against members of the Legislature, the same having been read second time on yesterday and further consideration postponed until today.

Question—Shall the resolution be adopted?

Mr. Canales offered the following substitute for the resolution:

Whereas, There have been charges repeatedly made by men of high standing and responsibility and published broadcast in the newspapers throughout the State to the effect that legislation was influenced or prevented during the Regular and former Called Sessions of this Legislature, by the use of money and other corrupt influences; and

Whereas, Certain other charges have been made to the effect that submission was defeated by corruption; and

Whereas, It has also been charged that favor-seeking interests used large sums of money and other corrupting agencies with said Legislature and in the campaign just closed for the purpose of influencing the result in the primary election held on Saturday, July 23, 1910; and

Whereas, The good name of the Legislature and the integrity and the honor of our State demands that this Called Session of the Legislature give attention to these charges and that ample means be provided at once for a thorough and effective investigation to the end that if these charges are found groundless the stigma may be removed, and if true the guilty ones brought to justice and punished for their crime; and if the laws of the State are insufficient that suitable laws may be enacted to prevent the recurrence of such acts; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a committee of ten, six from the House and four from the Senate, to be selected by the Speaker of the House and the President of the Senate, respectively, be appointed to investigate and ascertain the truth or falsity of these charges and any other charges as this Legislature from time to time, by con-

current resolutions, may give said committee to investigate. That said committee be and the same is hereby created and empowered and given such authority as is provided in Chapter 7 of the Acts of the Thirtieth Legislature, providing for investigating committees.

CANALES.
CAVES.

Question—Shall the substitute be adopted?

Mr. Kennedy offered the following amendment to the substitute:

Provided, that this committee shall not be appointed until some creditable citizen or citizens of Texas shall file with the Speaker of the House and with the Lieutenant Governor, under oath, a list of the names of all persons who are alleged to have been guilty of the things herein complained of. And Hon. Cone Johnson and Hon. M. M. Crane and all other persons are hereby invited to file such information within five days from the passage of this resolution.

Question—Shall the amendment to the substitute be adopted?

Mr. Canales raised a point of order on consideration of the amendment on the ground that under the Rules of the House the substitute offered for the original resolution can not be amended until it has been adopted by the House, and becomes the original resolution.

The Chair sustained the point of order, and ruled the amendment out of order at this time.

The substitute was then adopted.

Question—Shall the resolution as substituted be adopted?

Yeas and nays were demanded, and the resolution as substituted was adopted by the following vote:

Yeas—85.

Adams.	Canales.
Anderson.	Cathey.
Baker of Hood.	Caves.
Baker of Panola.	Cox.
Ballengee.	Craven.
Barrett.	Crawford.
Bartlett.	Crisp.
Bogard.	Crockett of
Bostic.	Mitchell.
Boswell.	Cureton.
Bowles.	Currey.
Branch.	Dalby.
Brooks.	Dotson.
Brookshire.	Driggers.
Brown.	Elliott.
Buchanan.	Fant.
Byrne.	Flournoy.
Cable.	Fuller.

Gilmore.	O'Bryant.
Goodman.	Perkins.
Hamilton	Pharr.
of McCulloch.	Rabb.
Haxthausen.	Ray.
Highsmith.	Reid.
Humphrey.	Roach.
Jennings.	Robertson of Bell.
Lawson.	Robertson of Travis.
Lee.	Self.
Lively.	Spradley.
Looney.	Stamps.
Luce.	Stead.
Maddox.	Stephenson.
Mason.	Stepter.
Maxwell.	Stratton.
McDonald.	Strickland.
McKinney.	Terrell of Bexar.
McLain.	Tillotson.
Moller.	Turney.
Morris.	Vaughan.
Munson.	Von Rosenberg.
Nelson of Hopkins.	Wahrmund.
Nelson of Kaufman.	Walter.
Nickels.	Wilburn.
O'Bryan.	

Nays—24.

Aston.	Kennedy.
Bell.	Leach.
Bierschwale.	Matthews.
Brownlee.	Odom.
Davis.	Pearson.
Fitzhugh.	Reedy.
German.	Roberson of Erath.
Graham.	Schluter.
Hamilton	Schofield.
of Childress.	Smith.
Hill.	Standifer.
Johnson.	Werner.
Keeble.	

Absent.

Briscoe.	McGown.
Chaney.	Rayburn.
Harman.	Tarver.
McCallum.	Turner.

Absent—Excused.

Crockett	Ralston.
of Washington.	Terrell of Cherokee.
Jackson.	Wilson.
Porter.	Wortham.

REASON FOR VOTE.

I vote "no" because I feel that the utmost latitude should be allowed and expected for criticism by the citizens of this State of the officers the people elect, and, when such criticism is made in the heat of a strenuous campaign, unless it specifically charges an offense against some law of this State, the Legislature should not spend its time and

the people's money investigating such criticism.

HAMILTON of Childress.

I vote "no" because the investigation will probably cause another extra session, and, second, because I am not in favor of dignifying every campaign rumor, and further still I have the utmost confidence in the honor and integrity of the members of the Thirty-first Legislature.

ROBERSON of Erath.

Mr. Canales moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

BILL ORDERED PRINTED.

On motion of Mr. Vaughan, it was ordered that 500 copies of House bill No. 7, known as the "insurance bill," be printed.

MOTION TO PRINT HOUSE BILL NO. 4.

Mr. Ray moved that 200 copies of House bill No. 4, repealing the fire rating board law, be printed.

On motion of Mr. Adams, the motion to print was tabled.

RECESS.

Mr. Fuller moved that the House recess to 2:30 o'clock p. m. today:

Mr. Adams moved that the House recess to 3 o'clock p. m. today.

The motion of Mr. Adams prevailed, and the House, at 11:25 o'clock a. m., took a recess to 3 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 3 o'clock p. m., and was called to order by the Speaker.

INVITING GOVERNOR BROWNING TO ADDRESS THE HOUSE.

Mr. Jennings offered the following resolution:

Resolved, That Governor Browning being in the House be requested to address the House.

The resolution was read second time and was adopted.

Mr. Hamilton of Childress moved that the Chair be authorized to appoint a committee of three members of the House

to escort Governor Browning to the Speaker's stand.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following committee: Messrs. Hill, Craven and Goodman.

The committee performed the duty assigned them and escorted Governor Browning to the Speaker's stand, and he was introduced to the House by Speaker Marshall.

Governor Browning then addressed the House.

ASKING FOR MAIL SERVICE AT ALDER BRANCH.

Mr. Strickland offered the following resolution:

Whereas, About one year ago the postmaster at Alder Branch, Texas, and the Postmaster General's Department had some misunderstanding as to whether or not money orders could be handled in said office; and

Whereas, As a result of said misunderstanding the postoffice at Alder Branch was abolished by the Postmaster General; and

Whereas, The people of the community aforesaid, which composes a territory of about ten miles square, made application in proper form for rural service, the same being passed on favorably, the route inspected and approved; and

Whereas, This rural route running out of Slocum, as contemplated, would bring mail service almost to the door of hundreds who are now almost without any mail facilities, most of them getting their mail at the general delivery at Palestine, Texas, fifteen miles distant and that only once every two or three weeks; and

Whereas, The said Postmaster General's Department, after having inspected and approved the rural route aforementioned, stated that "they can not install this service at this place on account of the depleted condition of the treasury," stating that there were so many rural routes asked for that it would be impossible to establish all of them; and

Whereas, From the facts before us we believe that the situation in this instance is so distressing as to demand immediate relief, and the case an exceptional one; therefore, be it

Resolved, That it is the sense of this body that these people need relief and we hereby request the Postmaster General's Department to reopen this matter,

and if in their wisdom they see proper, to alleviate the conditions above referred to. Be it further

Resolved, That a copy of this resolution be sent to the Postmaster General.

The resolution was read second time and adopted.

MESSAGE FROM THE GOVERNOR.

Hon. J. R. Bowman, Private Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, July 27, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Legislation providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employes, and providing for a complete, effective and more economical system of accounting, bookkeeping and auditing for that department of the State government.

2. Legislation prescribing the duties of county tax assessors, tax collectors and the county clerks, Comptroller and State Treasurer, with reference to the assessment and collection of taxes, and providing a more systematic, effective and economical system of bookkeeping and accounting, and the enactment of such other rules and methods with respect thereto as may be proper.

3. The enactment of adequate laws defining "bills of lading" and defining the word "carrier." Providing that it shall be the duty of common carriers and their officers and agents to issue negotiable bills of lading and straight or non-negotiable bills of lading at the request of the shipper, between certain places to be prescribed in the law, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading and prescribing the necessary requirements for all bills of lading; to make all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange and promissory notes and prohibiting the placing upon negotiable bills of lading any terms which would in any manner

limit their negotiability; and providing for the division of bills of lading into such different series as may be appropriate and defining each series, prescribing how bills of lading shall be issued and prohibiting the issuing of negotiable bills of lading in part or parts, except as prescribed by law; prescribing the duties of general freight agents or persons authorized to act for them and the duties of general freight agents or common carriers and for such additional legislation on this subject as business conditions and the general welfare may demand.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

HOUSE BILLS ON FIRST READING.

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Moller, Mr. Cureton, Mr. Marshall, Mr. Canales, Mr. Gilmore, Mr. Lee, Mr. Baker of Hood, Mr. Stamps, Mr. Mason, Mr. Byrne, Mr. Hamilton of Childress, Mr. Caves, Mr. Vaughan, Mr. Stratton and Mr. Crawford:

House bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight or non-negotiable bills of lading, at the request of the shipper, between certain places prescribed in the act, and defining negotiable or order bills of lading, and non-negotiable or straight bills of lading, and prescribing certain requirements for all bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; providing for the division of all bills of lading into three series and defining each series; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets, except as prescribed in the terms of this act; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of

lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost upon the giving of a bond by the holder of the lost bill of lading under certain conditions; prescribing certain duties of general freight agents, or persons authorized to act for them and certain duties of local station agents or carriers, and providing for the making and preservation of copies of all bills of lading, subject to the inspection of interested parties, and providing for the certification of all signatures to all bills of lading by the general freight agents of carriers, or persons authorized to act for them; prescribing that carriers shall maintain an authorized agent at all places recognized by the Federal government as ports of entry, whose duties shall be the same as those prescribed for general freight agents in this act; prescribing certain duties for ship agents, charters and owners of vessels; prescribing and defining the duties and liabilities of carriers with reference to the consignee named in a straight or non-negotiable bill of lading, and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading; or vary the description thereof, as contained in the bill of lading; under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody and legal possession or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Currey:

House bill No. 10, A bill to be entitled "An Act making appropriations for the purpose of building, remodeling, repairing, equipping and completing the construction of additions to the negro male and female departments and the dining hall at the State Lunatic Asylum at Austin; and for the purpose of remodeling, building, equipping and complet-

ing the construction of a reinforced concrete tunnel at said institution; and providing for the purchase of additional machinery for the steam laundry at said institution; providing the manner of expending such appropriations, and declaring an emergency."

Referred to the Committee on Appropriations.

ADJOURNMENT.

Mr. Jennings moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Kennedy moved that the House adjourn until 10 o'clock a. m. tomorrow.

The motion of Mr. Kennedy prevailed, and the House accordingly at 4:20 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF THE COMMITTEE ON CRIMINAL JURISPRUDENCE.

Committee Room,
Austin, Texas, July 27, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 5, have had same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, and have appointed Mr. Terrell of Bexar to make a full report.

CRAWFORD, Chairman.

FIFTH DAY.

Hall of the House of Representatives,
Austin, Texas,

Thursday, July 28, 1910.

The House met at 10 o'clock a. m., pursuant to adjournment.

Speaker Marshall in the chair.

The roll was called and the following members were present:

Adams.	Bell.
Anderson.	Bierschwale.
Aston.	Bogard.
Baker of Hood.	Bostic.
Baker of Panola.	Boswell.
Ballengee.	Bowles.
Barrett.	Branch.
Bartlett.	Briscoe.

Brooks.	McGown.
Brookshire.	McKinney.
Brown.	McLain.
Brownlee.	Moller.
Buchanan.	Morris.
Byrne.	Munson.
Cable.	Nelson of Hopkins.
Canales.	Nelson of
Cathey.	Kaufman.
Caves.	Nickels.
Chaney.	O'Bryan.
Cox.	O'Bryant.
Craven.	Odom.
Crawford.	Pearson.
Crisp.	Perkins.
Crockett of	Pharr.
Mitchell.	Porter.
Cureton.	Rabb.
Currey.	Ralston.
Dalby.	Ray.
Dotson.	Rayburn.
Driggers.	Reedy.
Elliott.	Reid.
Fant.	Roach.
Fitzhugh.	Roberson of Erath.
Flournoy.	Robertson of Bell.
Fuller.	Robertson of
German.	Travis.
Gilmore.	Schluter.
Goodman.	Schofield.
Graham.	Self.
Hamilton of	Smith.
Childress.	Spradley.
Hamilton of	Stamps.
McCulloch.	Standifer.
Haxthausen.	Stead.
Highsmith.	Stephenson.
Hill.	Stepter.
Humphrey.	Stratton.
Jennings.	Strickland.
Johnson.	Tarver.
Keeble.	Terrell of Bexar.
Kennedy.	Tillotson.
Lawson.	Turner.
Leach.	Turney.
Lee.	Vaughan.
Lively.	Von Rosenberg.
Looney.	Wahrmund.
Luce.	Walter.
Maddox.	Werner.
Mason.	Wilburn.
Maxwell.	Wilson.
McDonald.	

Absent.

Davis.	Matthews.
Harman.	McCallum.

Absent—Excused.

Crockett of	Terrell of Cherokee.
Washington.	Wortham.
Jackson.	

A quorum was announced present.

Prayer by Rev. W. J. Joyce, Chaplain.